

REMARKS

Reconsiderations and allowance are respectfully requested.

Claims 1-3 and 5-18 are pending, with claims 17 and 18 being new. Claim 4 has been cancelled without prejudice.

Claim Rejection - 35 U.S.C. 112

The buffer is now uniformly referred to as a/the "variable volume storage buffer" throughout the claims.

The term "wall" has been cancelled from claim 3.

In view of the above amendments and arguments, it is believed that the section 112 rejections have been overcome and withdrawal of such rejections is respectfully requested.

Claim Rejection - 35 U.S.C. 102 and 103

Claims 1-2 and 15-16 stand rejected under §102(b) as being anticipated by Dyett.

Claims 3-14 stand rejected under §103(a) as being unpatentable over Dyett.

Claim 1 has been amended to include limitations from claims 3 and 4, as well as limitations from the specification.

Dyett fails to disclose or suggest either a variable volume storage buffer or a movable wall for varying the volume of the variable volume storage buffer. In fact, Dyett discloses a fixed volume storage buffer in which only a volume 28 of cigarettes contained within the fixed volume can be varied. Varying an amount of contents within a fixed volume container, as Dyett teaches, is very different from varying a volume of the container itself, as required by claim 1. Further, there is no moving portion of the Dyett container that moves to vary a volume of the container. Only the volume of the cigarettes occupying the fixed volume of the Dyett container can be

changed. Therefore, Dyett fails to disclose or suggest the claimed variable volume storage buffer or the movable wall.

In addition, Dyett fails to disclose or suggest that the variable volume storage buffer extends above and parallel to the feed channel and is delimited on an underside by a bottom wall extending transversely to the movable wall, the bottom wall also delimiting an upperside of the feed channel, the feed channel delimited on an underside by a conveyor belt.

Rather, Dyett teaches a volume (28) delimited on the underside by one bottom conveyor (16) and a feed channel (18) delimited at an upperside by another conveyor (20). The feed channel (18) of Dyett is not delimited on the upperside by the same wall as delimits the underside of the variable volume, as required in amended claim 1.

In view of the above, Claim 1 is believed allowable over Dyett, as are the claims depending therefrom and it is respectfully requested that the rejections thereof be withdrawn.

Regarding new claim 17, Dyett fails to disclose a mechanism for moving the movable wall, interlocked to the mechanism for monitoring and controlling, for varying the volume of the variable volume buffer. In fact, Dyett discloses a fixed volume container and fails to disclose a variable volume container or a movable wall for varying the volume of the container ie alone a mechanism for moving the movable wall. Dyett discloses that a light source (30) generates a light beam which reaches the light detector (32) as long as there is a low volume of filters within the fixed volume container. When the filters rise in the volume so as to interrupt the light beam, the delivery of rods ceases. Dyett is silent about any mechanism that varies the volume of its container and interruption of the light beam only stops flow of rods.

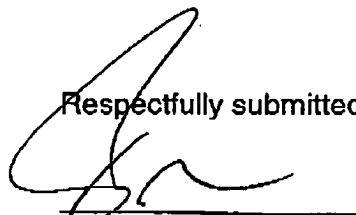
Regarding new claim 18, Dyett fails to disclose at least that the variable volume buffer presents two side walls disposed mutually parallel and substantially perpendicular to the bottom wall, and is equipped with a mechanism by which to vary the distance between the two side walls, so as to allow of changing the transverse dimension of the variable volume buffer to accommodate different lengths of filters.

Claims 17 and 18 are therefore believed allowable over Dyett.

Conclusion

In view of the above, it is respectfully submitted that Dyett does not anticipate or render obvious any of the claims and it is respectfully requested that the application be allowed and a Notice to that effect issued. Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,



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